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TAGS: [PGOV](#) [PHUM](#) [PREF](#) [KDEM](#) [PREL](#) [AJ](#)
SUBJECT: OPPOSITION JOURNALIST FEARS FOR LIFE, SEEKS ASYLUM

REF: A. BAKU 397 AND PREVIOUS
[1](#)B. BAKU 354

Classified By: Ambassador Anne E. Derse per 1.4 (b,c,d).

[1](#)1. (C) Summary: Opposition Azadliq newspaper reporter Agil Khalil told us May 22 that he faces continuing pressure and threats following February and March assaults against him and subsequent smear campaign. A May 7 assault and attempted kidnapping prompted him to stop working and flee to his parents' home in Kurdamir. When the surveillance and harassment continued in Kurdamir, he attempted to flee Azerbaijan and was prevented by border officials who said he had "problems" with the Prosecutor General. Khalil believes he is no longer safe and wants to leave the country immediately. He filed an asylum request with the Embassy on May 23 and is consulting with other embassies and Reporters Sans Frontieres on ways to leave Azerbaijan immediately.

[1](#)2. (C) Summary Continued: The Prosecutor General announced on May 21 that it had closed its investigation of Khalil, concluding that there was no evidence of the March or May attacks and that Khalil had been stabbed by his homosexual lover in February; we hope the closure of the investigation could ease the way for Khalil to leave the country. When the Ambassador urged Minister of National Security Mahmudov to ensure Khalil's safety, he responded that Khalil and Azadliq newspaper are being used by the Ministry of Internal Affairs (MIA) to go after Ministry of National Security employees who had broken up an MIA kidnapping and extortion ring. Regardless of the political reasons behind the continuing attacks on Khalil, it is clear that no Azerbaijani authorities are taking action to protect the journalist. The Ambassador and the Norwegian and OSCE Ambassadors agreed May 23 to seek immediate calls on Foreign Minister Mammadyarov and Presidential Chief of Staff Ramiz Mehdiyev to seek GOAJ agreement that Khalil be permitted to leave the country. We are reviewing Khalil's asylum request and will send our recommendations septel.

ASSAULTS AND PRESSURE CONTINUE

[1](#)3. (C) In a May 22 meeting with emboffs, opposition Azadliq newspaper journalist Agil Khalil said that he continues to face pressure and threats following his February and March assaults and subsequent smear campaign (ref a). Khalil said that on May 7, he was attacked on a subway train in Baku and that four individuals subsequently tried to abduct him at a metro stop. Following these incidents Khalil stopped working, stopped talking to the press and retreated to his parents' home in rural Kurdamir. Khalil said that even in Kurdamir he continues to face pressure. He reported that he is being followed by unknown individuals in a black sport

utility vehicle. Strangers are harassing his relatives and asking questions about his whereabouts, and his father is facing pressure at work and believes he will be fired. Because of this pressure in Kurdamir, Khalil decided to return to Baku, to stay with his aunt. When strangers began asking questions of his aunt's neighbors, he then fled to another location with four friends.

14. (SBU) Khalil said that he is frustrated by the GOAJ's failure to take his complaints seriously. On May 21, the Prosecutor General's Office announced that it had concluded its investigation into the February, March and May attacks on Khalil. The Prosecutor General determined that there was no proof that Khalil had been beaten or attacked in either February or May; it also determined that Khalil had been stabbed by his homosexual lover Sergey Strekhalin in March. The Prosecutor General accused Khalil of "deliberating falling and crying" in the February attack and said that a March medical exam did not reveal any injuries. The Prosecutor General announced that it had opened a criminal case against Strekhalin on charges of "deliberate causing of minor serious harm to health" and illegal possession of narcotics with intent to sell. Khalil said that he does not believe any government agency is taking his case seriously. He also said that Lider and Az TV had run false statements that his family was satisfied with the conduct of the investigation.

LIBEL CASE PENDING

15. (SBU) Khalil has filed libel charges against the Prosecutor General's Office and four television stations (AzTV, ATV, Space and Lider) in connection with the smear campaign conducted in the wake of his March 13 stabbing. The court held a preliminary hearing on May 21 and postponed the substantive hearing until June 25. The Prosecutor General in March publicly accused Khalil of lying about the March 13 attack in order to cover up the "fact" that he was stabbed by his homosexual lover. The Prosecutor General's remarks were carried by most major media outlets for several days with lurid detail of the alleged homosexual relationship. OSCE Special Media Representative Miklos Haraszti branded this television coverage a massive propaganda campaign "prepared and managed from a single center," ref b.

NO LONGER SAFE IN AZERBAIJAN

16. (C) A visibly agitated Khalil told us that he believes he no longer is safe in Azerbaijan. Following the May 7 attack, he approached the Norwegian Embassy to seek assistance in fleeing Azerbaijan. With financial assistance from the Norwegian Embassy and the Institute for Reporter Freedom and Safety (IRFS), he attempted to leave Azerbaijan three times between May 9 and 11. At each border crossing - Baku International Airport, a land border with Russia and a land border with Iran - border officials made a copy of Khalil's passport and told him he could not leave the country due to "problems" with the Prosecutor General's Office. (Comment: Given that there is not a criminal case open against Khalil, it is unclear on what legal grounds - if any - the GOAJ could prevent him from leaving Azerbaijan. The OSCE is researching this issue.) Presidential Legal Advisor Shahin Aliyev told the DCM on May 23 that, based on his understanding of the case, he did not see any legal reason to bar Khalil from leaving the country. He promised to review the issue and, if his analysis was correct, advocate this position within the GOAJ.

17. (C) Given the continuing pattern of threats and harassment - and his inability to leave the country - Khalil repeated that he believes he no longer is safe in Azerbaijan. He believes that the failure of any GOAJ institution to take his complaints seriously leaves him vulnerable to further attacks. He asked emboffs on May 22 whether the U.S. Embassy could help him leave the country. He noted that he is talking to other embassies and Reporters Sans Frontieres; he seeks to leave the country as quickly as possible. We

explained the U.S. Government's asylum policy. On May 23, Khalil submitted a written request for asylum, which we are translating and reviewing.

URGING THE MNS TO ENSURE HIS SAFETY

¶18. (C) The Ambassador raised Khalil's case with Minister of National Security Eldar Mahmudov on May 22, urging him to take measures to ensure Khalil's safety and bring his attackers to justice. (Khalil has identified Ministry of National Security (MNS) employees Dagbei Allahverdiyev and Akif Chovdarov as his assailants in the initial February 22 attack.) Mahmudov responded that Khalil is "just a kid" who is being used by others to promote their own political agendas. Mahmudov alleged that Azadliq newspaper editor Azer Ahmadov had been paid off by the Ministry of Internal Affairs (MIA) to "go after" MNS employee Akif Chovdarov in retaliation for his investigation of the Hajimammadov gang. (Former Deputy Minister of Internal Affairs Hajimammadov and several other senior MIA employees were arrested in 2005 on kidnapping and extortion charges; they were tried and convicted in 2006.) Mahmudov was visibly angry that the Ministry of Internal Affairs was pursuing a case against MNS staff.

¶19. (S/NF) Earlier GRPO reporting had indicated that Mahmudov was aware that the two MNS employees had been involved in inappropriate, personal commercial activities in the Olive Garden that were interrupted by Khalil in February and reportedly resulted in the first assault. At the time, Mahmudov had told other MNS officers that he was furious his employees had engaged in this commercial activity and had ordered them to cease and desist immediately. In the murky world of Azerbaijan's power politics, where ministers routinely use the press to attack their rivals, there could be some truth to both of Mahmudov's statements on the case. Some human rights activists believe that the Khalil case could be part of the long-running feud between the Ministries of Internal Affairs and National Security, a conclusion Presidential Advisor Ali Hasanov appears to have drawn as well (septel).

COMMENT

¶10. (C) While we may never know the true political reasons behind the continuing attacks and pressure against opposition journalist Agil Khalil, it is clear that he continues to face very real threats to his security. No Azerbaijani Government agency is taking his complaints seriously or taking steps to protect him. He appears to be facing these threats in retaliation for his investigative reporting on economic activities, a conclusion also drawn by OSCE Media Representative Miklos Haraszti (ref b). We are very concerned for Khalil's safety, and our concerns are shared by the Norwegian and OSCE Ambassadors. The three Ambassadors agreed to seek immediate joint calls on Foreign Minister Mammadyarov and Presidential Chief of Staff Mehdiyev as soon as possible to seek GOAJ agreement to allow Khalil to leave

the country. We also are translating and reviewing Khalil's asylum request and will forward our views to Washington as soon as possible.

DERSE